

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,
ex. rel. RAMESH GUDAR,

Plaintiff,

V.

TEXAS DEPARTMENT OF HEALTH,
ET AL.,

Defendants.

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CIVIL ACTION NO. H-00-1169

ORDER

Pending is Deloitte & Touche's Motion for Protective Order (Document No. 636), in which Deloitte seeks protection from the interrogatories and requests for admissions that Relator (Plaintiff) served on it January 5 and 6, 2006. The deadline for completion of discovery related to liability was February 6, 2006.

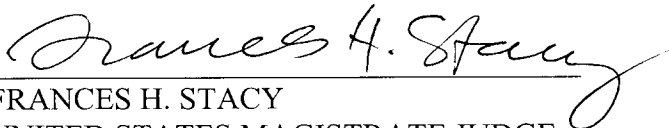
Deloitte complains about the Interrogatories for the following reasons: (1) they were served by overnight UPS mail on January 5, 2006, and responses were not due until February 7, 2006, after the discovery deadline; (2) they seek information not relevant to this case, which now involves only the two following claims and issues: "(a) whether Deloitte and the remaining school district defendants conspired to inflate Medicaid reimbursement rates for the Texas SHARS program in 1994-1995 by falsifying cost studies and/or time study data; and (b) whether Deloitte caused false claims to be submitted by school districts filing for SHARS reimbursements by utilizing a fraudulent methodology developed with TDH in 1994"; (3) they seek information relevant to damages when discovery related to damages has been bifurcated; (4) the wording of the interrogatories is vague and ambiguous; and (5) they seek more than 25 discrete types of information, and therefore exceed the number of interrogatories allowed under the Rules. As for the Requests for Admissions, Deloitte

complains: (1) that the number of requests, 502, is excessive and unreasonable; (2) that the wording of many of the requests is vague, ambiguous and nonsensical; (3) that many of the requests seek Deloitte to admit or deny things that it is not in a position to know; and (4) many of the requests seek Deloitte to admit or deny ultimate facts or issues of law.

Having considered Deloitte's Motion, the response, the additional briefing, the issues and claims that remain in this case, and the prior orders limiting discovery to the claims and issues that remain, it is

ORDERED that Deloitte's Motion for Protective Order (Document No. 636) is GRANTED in PART. Deloitte need not answer any interrogatories or requests for production that seek information on damages, or that are not related to "whether Deloitte and the remaining school district defendants conspired to inflate Medicaid reimbursement rates for the Texas SHARS program in 1994-1995 by falsifying cost studies and/or time study data, and whether Deloitte caused false claims to be submitted by school districts filing for SHARS reimbursements by utilizing a fraudulent methodology developed with TDH in 1994." As for any interrogatories or requests for admissions that are ambiguous and/or vaguely worded, Deloitte shall assert objections and state (with respect to the Requests for Admissions) why it cannot admit or deny any particular requests. Deloitte's complaints in the Motion for Protective Order about the timeliness and excessiveness of the discovery requests are OVERRULED. Deloitte shall answer the Interrogatories and Requests for Admissions within these parameters within thirty days after the entry of this Order.

Signed at Houston, Texas, this 3rd day of April, 2006.


FRANCES H. STACY
UNITED STATES MAGISTRATE JUDGE